

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION

DEBORAH LOVING,
Petitioner,

v.

CIVIL ACTION NO. 1:10-0195

MYRON L. BATTS, Warden, FPC Alderson,
Respondent.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Proposed Findings and Recommendation on October 26, 2010, in which he recommended that the district court deny petitioner's application under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in State or Federal Custody, and remove this case from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Proposed Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Proposed Findings and Recommendation within the seventeen-day period. Having reviewed the Proposed Findings and

Recommendation filed by Magistrate Judge VanDervort, the court adopts the findings and recommendation contained therein.

The court hereby **DENIES** petitioner's motion under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in State or Federal Custody (Doc. # 1) and **DIRECTS** the Clerk to remove this case from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to Petitioner, pro se, and counsel of record.

It is **SO ORDERED** this 17th day of August, 2011.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge